

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

EDWARD L. GILMORE

Plaintiff,

v.

ERIC HOLDER,
in his official capacity as
Attorney General of the United States,

Defendant.

Civil Action No. 1:13-cv-789

CORRECTED MOTION TO STRIKE DEFENDANT’S BILL OF COSTS

Plaintiff Edward L. Gilmore hereby moves to strike Defendant Eric Holder’s bill of costs as untimely.

Pursuant to Local Rule 54, “the party entitled to costs shall file a bill of costs . . . within eleven (11) days from the entry of judgment.” Local Rule 54(D). Fed. R. Civ. P. 6(a) “appl[ies] in computing any time period specified in . . . any local rule,” and it does not contemplate extensions for weekend and holidays. It provides “[w]hen the period is stated in days or a longer unit of time:

- (A) exclude the day of the event that triggers the period;
- (B) count every day, including intermediate Saturday, Sundays, and legal holidays; and
- (C) include the last day of the period, but if the last day is a Saturday, Sunday, or legal holiday, the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal holiday.

Fed. R. Civ. P. 6(a)(1)(A)-(C). *See e.g. Stronach v. Va. State Univ.*, 577 F. Supp. 2d 788, 789 (E.D. Va. 2008) (“The Court entered judgment in this case on May 12, 2008, when it granted Defendants’ Motion for Summary Judgment. Thus, Defendants’ deadline to file their Bill of

Costs was May 23, 2008.”)) The Court entered judgment in this case on June 17, 2014. ECF No. 181. The DEA’s deadline to file its bill of costs was June 28, 2014. The DEA failed to file its bill of costs until July 2, 2014, fifteen days after the entry of judgment. ECF No. 186. Even then, the DEA’s bill of costs was filed incorrectly, and had to be refiled on July 3, 2014, sixteen days after entry of judgment. ECF No. 187. The DEA’s bill of costs was untimely.

Accordingly, Mr. Gilmore respectfully requests this Court strike Defendant’s bill of costs.

Respectfully Submitted,

/s/ D. Bradford Hardin, Jr.

D. Bradford Hardin, Jr. (Va. Bar No. 76812)

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Dated: July 14, 2014

Counsel for Plaintiff Edward L. Gilmore

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of July 2014, I sent copies of the foregoing
CORRECTED MOTION TO STRIKE DEFENDANT'S BILL OF COSTS with the Clerk of Court using the
CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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